



IDAHO DEPARTMENT OF PARKS & RECREATION

MINUTES

for
November 15, 2005
Teleconference Board Meeting

Idaho Department of Parks and Recreation
Headquarters
Boise Idaho

IDAHO DEPARTMENT OF PARKS AND RECREATION
“To improve the quality of life in Idaho through outdoor recreation and resource stewardship.”
Teleconference Board Meeting
November 15, 2005
IDPR Headquarters
Boise Idaho

Chairwoman Jean McDevitt convened the teleconference at 10:35 a.m. via telephone on November 15th 2005, with the following Board members in attendance:

Jean McDevitt Chairwoman, Pocatello
Ernest J. Lombard, Member, Eagle
Randall Rice, Member, Moscow
Steve Klatt, Member, Sandpoint
Doug Hancey, Rexburg
Latham Williams, Ketchum

Also present during all or a portion of the meeting were the following individuals:

Robert L. Meinen, Director
Dean Sangrey, Operations Administrator
David Ricks, Administration Administrator
Jan Johns, Administrative Assistant
Brian Miller, Grants Program Supervisor

AGENDA
“To improve the quality of life in Idaho through outdoor recreation and resource stewardship.”
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10:30 a.m. Call to order
10:38 a.m. Revised Rules and Fees Presentation
11:47 a.m. Experience Idaho Endorsement
11:58 a.m. Meeting Adjourned

10:36 a.m. Director Meinen said there are two agenda items that needed to be discussed:
1.) final consideration of the IDAPA Rules 26 Title .01 Chapter 20 and IDAPA Rules 26 Title 01 Chapter 31 and
2.) requesting that the Board accept the resolution for the 2007 statewide *Experience Idaho* campaign.

10:38 a.m. Roll call was taken of the Board members. All members were in attendance.

10:40 a.m. Ms. McDevitt reviewed the following motion from the minutes of the August Board meeting.

Ms. McDevitt moved that the Board accept the changes to the IDAPA Rules Chapter 20, with the caveat that Rule 250.07 be reviewed to determine whether additional fees or deposits should be authorized. Additionally, she recommended that legal counsel review all of Rule 275 to help ascertain whether these provisions regarding campsite reservations should be in rule or just established in Board policy. Mr. Klatt seconded the motion. Chair

asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. All votes were cast in the affirmative. The motion was passed.

Chair McDevitt inquired whether or not the direction to staff according to the motion had been accomplished. She also quoted the following motion made by Mr. Klatt at the August Board meeting:

Mr. Klatt moved that the Board approve the record of changes for IDAPA Rule 26 as presented with the changes in adding language for the “IDPR approved organization” in the few places and deleting language in “Match” talking about the necessity of 25% match. Ms. McDevitt seconded the motion. Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. All votes were cast in the affirmative. The motion was passed.

Chair McDevitt asked staff if the changes had been made to reflect the motions made at the August Board meeting. (*see Attachment 1*).

Mr. Sangrey said the regarding Rule 250.07, staff believed that the rule does need to stay in place. Staff feels it is important to have the ability and flexibility to set, modify or reduce fees as needed due to unusual or changing circumstances.

Chair McDevitt asked if legal counsel was sought, especially in regards to business rules versus Board policy in regards to the reservation system.

Mr. Sangrey said that staff did follow direction of the Board from the August meeting and asked for and received an analysis and comments from Michael Orr of the Attorney Generals office. Mr. Orr’s position statement was that IDPR had limited flexibility to remove or modify very much of Rule 275. Both Mr. Sangrey and Director Meinen reviewed the comments and they believed that staff needed to continue to pursue additional interpretation and guidance from legal counsel as well as other staff to determine if more formal changes to Rule 275’s criteria are needed.

Discussion followed.

11:14 a.m. Mr. Hancey moved to approve the changes in IDAPA 26 Title 01 Chapter 31 as proposed by staff. Mr. Rice seconded the motion. Mr. Klatt discussed the numbering system. Mr. Rice asked Mr. Sangrey if he went through the numerical changes when taking the August Board meeting copy that was presented to the Board and compare it with the current document, all numbering is accurate. Mr. Sangrey responded that was correct. Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Roll call was taken. Klatt-aye, Williams-aye, Rice-aye-Hancey-aye, Lombard-aye, McDevitt-aye. All votes were cast in the affirmative. The motion was passed.

11:17 a.m. Chair McDevitt asked to review Chapter 20. The Board asked for modification of the Senior Citizen Discount.

Discussion followed.

Director Meinen asked that the Board allow staff to do a rewrite of this particular change and send it to the Board members that afternoon. If Board members would like to change the wording, it would need to be finalized and returned to staff by 5:00 p.m. Mr. Lombard said that the rule should state when and where you should be able to camp using the senior discount without having to refer to the statute.

Director Meinen asked that the Board members work on finalizing the language during this teleconference. The Board members and staff constructed the following language:

Pursuant to Section 67-4223 Idaho Code and the discretion of the Director, IDPR may provide at selected locations and times, a senior citizen discount.

11:45 a.m. Mr. Williams moved to approve the changes to the section to Chapter as discussed and amended. Mr. Klatt seconded the motion. Chair McDevitt asked for clarification. The motion is to approve the changes to IDAPA 26 Title 1 Chapter 20 as amended. Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Roll call was taken. Klatt-aye, Williams-aye, Rice-aye-Hancey-aye, Lombard-aye, McDevitt-aye. All votes were cast in the affirmative. The motion was passed.

11:46 a.m. Mr. Lombard requested that the 2006 dates for the Board meetings be sent to the Board members.

11:48 a.m. Director Meinen discussed *Experience Idaho*. Mr. Williams shared his concern about the Eagle Island State Park. Director Meinen explained that staff's goal was to work within the parameters of the Master Plan.

Discussion followed.

Director Meinen read the *Experience Idaho* Resolution.

WHEREAS, the goal of the 2007 statewide Experience Idaho initiative is to fund needed improvements within Idaho's State Parks that will preserve Idaho's public spaces, enhance economic development to local communities and benefit the citizens of Idaho by expanding recreational possibilities and enriching visitor experiences within Idaho's State Parks; and

WHEREAS, as Idaho's population expands and diversifies, a need exists within the state to create and maintain recreational areas that accommodate changing interests and growing communities; and

WHEREAS, state agencies must be proactive in promoting interest in Idaho's areas of scenic beauty and rich recreational assets, while fostering atmospheres that encourage appreciation for natural resources, fitness, family and group interaction; and

WHEREAS, being proactive requires strategic partnership – development and maintenance of locations that stimulate outdoor activity, assist in resource stewardship and offer educational opportunities, while providing continued public access; and

NOW, THEREFORE, , THE IDAHO DEPARTMENT OF PARKS AND RECREATION BOARD declares its support for the Experience Idaho Initiative

Mr. Rice asked to incorporate the date. "ON THIS DATE OF NOVEMBER 15, 2005"

11:56 a.m. Mr. Hancey moved that the Board accept the *Experience Idaho* Resolution as written in its entirety. Mr. Lombard seconded the motion. Mr. Rice asked that it be accepted as modified.

Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Roll call was taken. Klatt-absent, Williams-aye, Rice-aye-Hancey-aye, Lombard-aye, McDevitt-aye. All votes were cast in the affirmative. The motion was passed.

11:58 a.m. Meeting adjourned.

ATTACHMENT #1

**IDAPA 26
TITLE 01
CHAPTER 20**

**26.01.20 - RULES GOVERNING THE ADMINISTRATION OF PARK
AND RECREATION AREAS AND FACILITIES**

000. LEGAL AUTHORITY.

The Idaho Park and Recreation Board is authorized under Section 67-4223, Idaho Code, to adopt, amend, or rescind rules as may be necessary for the proper administration of Chapter 42, Title 67, Idaho Code, and the use and protection of lands and facilities subject to its jurisdiction. (1-1-94)

001. TITLE AND SCOPE.

01. Title. The title of this chapter shall be cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.20, "Rules Governing the Administration of Park and Recreation Areas and Facilities." (1-1-94)

02. Scope. This chapter establishes fees for and rules governing the use of lands and facilities administered by the Department, and establishes procedures for obtaining individual and group use reservations. (1-1-94)

002. WRITTEN INTERPRETATIONS.

This agency has written interpretations of these rules, in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules, or documentation of compliance with IDAPA 26.01.01.150, "Rules of Administrative Procedure of the Idaho Park and Recreation Board." These documents are available for public inspection and copying in the central office of the agency. (3-13-97)

003. APPEALS.

Any person who may be adversely affected by a final decision, ruling, or direction of the Director may appeal the decision, ruling, or direction as outlined under IDAPA 26.01.01.250, "Rules of Administrative Procedure of the Idaho Park and Recreation Board." (1-1-94)

004. INCORPORATION BY REFERENCE.

No documents have been incorporated by reference into these rules. (3-16-04)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Office Hours. Office hours are 8:00 a.m. to 5:00 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-16-04)

02. Mailing Address. The mailing address for the central office is Idaho Department of Parks and Recreation, PO Box 83720, Boise, ID 83720-0065. (3-16-04)

03. Street Address. The office of the Idaho Department of Parks and Recreation is located at 5657 Warm Springs Ave., Boise, ID 83716. (3-16-04)

006. PUBLIC RECORDS ACT COMPLIANCE.

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 1, Idaho Code.

007. -- 009. (RESERVED).

010. DEFINITIONS.

As used in this chapter:

(1-1-94)

01. ADA Campsites and Facilities.

a. ADA Designated Campsites. A reservable ADA campsite may only be reserved and occupied by a party that can provide proof of disability upon arrival. If not reserved, after 6:00 p.m. ~~(check in time)~~ and no other non-ADA designated sites ~~of the same site type~~ are available the site would be available for one night.

b. ADA Accessible Facilities. IDPR offers some facilities that provide for ADA accessibility. These facilities are not managed exclusively for ADA use.

~~01~~ **02. Board.** The Idaho Park and Recreation Board, a bipartisan, six (6) member Board, appointed by the Governor. (3-13-97)

~~02~~ **03. Camper Camping Unit.** ~~A family camping unit or a party of no more than eight (8) persons occupying one (1) camper/vehicle combination or one (1) vehicle with a maximum of two (2) tents is the combined equipment and people capacity that a site or facility will allow.~~ accommodate.

a. Campsites. Maximum capacity limits on each campsite are subject to each site's design and size. ~~In general. Unless otherwise specified,~~ the maximum capacity will be one (1) family unit or a party of no more than eight (8) persons, one (1) vehicle or RV, and up to two (2) tents, provided the combined equipment and people fit within the designated camping area of the site selected.

b. Facilities. Maximum capacity limits on each facility are subject to each facility's design and size. The combined equipment and people occupying a facility must fit within the designated areas of the facility selected.

~~03~~ **04. Camping Day.**

a. For individual and group campsites the period between 2:00 p.m. of one (1) calendar day and 1:00 p.m. of the following calendar day.

b. For individual and group camping facilities, the period between 3:00 p.m. of one (1) calendar day and 12:00 p.m. (noon) of the following calendar day.

~~04~~ **05. Campsite.** ~~Site designated for overnight camping, including camping cabins, yurts, and teepees.~~

a. Individual. An area within an IDPR managed campground designated for camping use by an individual camping unit or camping party.

b. Group. An area within an IDPR managed campground designated for group camping use or a block of individual campsites designated for group use within a campground primarily managed for individual use.

c. Facility, Individual. A camping structure within an IDPR managed campground ~~or area~~ designated for camping use by an individual camping party.

d. Facility, Group. A camping structure within an IDPR managed campground ~~or area~~ designated for group use.

~~05~~ **06. Day Use.** Use of any non-camping lands and/or facilities between the hours of 7:00 a.m. and 10:00 p.m. unless otherwise posted. (3-7-03)

07. Day Use Fee – A fee charged for entry to a designated area.

- ~~06~~ **08.** Department. The Idaho Department of Parks and Recreation. (1-1-94)
- ~~07~~ **09. Designated Beach.** Waterfront areas designated by the park manager or designee for water-based recreation activities. The length and width of each designated beach shall be visibly identified with signs. (3-7-03)
- ~~08~~ **10. Designated Roads and Trails.** Facilities recognizable by reasonable formal development, signing, or posted rules. (3-7-03)
- ~~09~~ **11. Director.** The Director and chief administrator of the Department, or the designee of the Director. (1-1-94)
- ~~10~~ **12. Dock and Boating Facility.** Floats, piers and mooring buoys owned or operated by the Department. (3-13-97)
- ~~11~~ **13. Extra Vehicle.** An additional motorized vehicle (not in tow at time of entry) without built in sleeping accommodations registered to a camp site. (3-13-97)
- ~~12~~ **14. Facilities**
- ~~a.~~ Individual. A camping structure within an IDPR managed campground or area designated for camping use by an individual camping party.
- ~~b.~~ Group. A camping structure within an IDPR managed campground or area designated for group use.
- ~~12-14~~ **15. Group Use.** Twenty-five (25) or more people, or any group needing special considerations or deviations from normal Department rules or activities. (1-1-94)
- ~~13-15~~ **16. Motorized Vehicle.** Every vehicle that is self-propelled except for vehicles moved solely by human power and motorized wheelchairs as defined in Section 49-123(g), Idaho Code. (3-7-03)
- ~~14.~~ **Motorized Vehicle Entry Fee (MVEF).** A fee charged for a motorized vehicle to enter a designated area. (3-16-04)
- ~~15-16~~ **17. Park or Program Manager.** The person, designated by the Director, responsible for administering and supervising particular lands, facilities, and staff that are under the jurisdiction of the Department. (3-7-03)
- ~~17-18.~~ Standard Amenities. Campsite with no serviced amenities
- ~~18-19.~~ Serviced Amenities. Serviced campsite amenities includes water, electricity, or sewer.
- ~~16-17~~ **20. Primary Season.** The time of the year when the majority of use occurs at a park facility. (3-7-03)
- ~~17-18~~ **21. Vessel.** Every description of watercraft, including a seaplane on the water, used or capable of being used as a means of transportation on water, but not including float houses, diver's aids operated and designed primarily to propel a diver below the surface of the water, and nonmotorized devices not designed or modified to be used as a means of transportation on the water such as inflatable air mattresses, single inner tubes, and beach and water toys as defined in section 67-7003(22), Idaho Code. (3-7-03)
- ~~18-19~~ **22. Vessel Length.** The distance measured at the centerline at the highest point above the waterline from the fore-part of the outer hull at the bow to the aft-part of the outer hull at the stern, excepting any bowsprits, railings or extraneous or additional equipment. (3-13-97)
- 011. -- 074. (RESERVED).**
- 075. AUTHORITY CONFERRABLE ON EMPLOYEES - ENFORCEMENT.**

01. Director Authority. The Director may, pursuant to Section 67-4239, Idaho Code, authorize any employee of the Department to exercise any power granted to, or perform any duty imposed upon the Director. (3-7-03)

02. Park Manager Authority. The park manager or designee may establish and enforce all rules, including interim rules. Interim rules shall apply to the public safety, use, and enjoyment or protection of natural, cultural, or other resources within lands administered by the Department. Those rules shall be posted for public view and shall be consistent with established state laws and these rules. Interim rules shall expire in one hundred twenty (120) days ~~from this~~ the established effective date unless approved by the Board.

076. -- 099. (RESERVED).

100. PENALTIES FOR VIOLATIONS.

Failure of any person, persons, partnership, corporation, concessionaire, association, society, or any fraternal, social or other organized groups to comply with these rules shall constitute an infraction.

01. Civil Claim. The penalty established in Section 100 of this chapter shall not prevent the Department from filing a civil claim against a violator to collect damages incurred to lands, resources, or facilities administered by the Department. (3-13-97)

02. Violators. In addition to the penalty provided in Section 100 of this chapter, or any other existing laws of the state of Idaho, any person failing to comply with any section of these rules or federal, state, or local laws, rules, or ordinances applicable under the circumstances, shall be a trespasser upon state land and subject to expulsion from any state park area for a period of time not less than forty-eight (48) hours. (3-7-03)

101. -- 124. (RESERVED).

125. PRESERVATION OF PUBLIC PROPERTY.

The destruction, injury, defacement, removal, or disturbance in or of any public building, sign, equipment, monument, statue, marker, or any other structures; or of any tree, flower, or other vegetation; or of any cultural artifact or any other public property of any kind, is prohibited unless authorized by the park manager of a specific area. (3-13-97)

126. -- 149. (RESERVED).

150. USE OF MOTORIZED VEHICLES.

All motorized vehicles shall stay on authorized established Department roadways or parking areas except for trails and areas which are clearly identified by signs for off-road use. Drivers and vehicles operated within lands administered by the Department shall be licensed or certified as required under state law. The operators of all vehicles shall comply with the ~~motor vehicle entry~~ day use fee requirements, speed and traffic rules of the Department, and all other federal, state, local laws, and ordinances governing traffic on public roads.

01. Use of Parking Spaces for Persons with a Disability. Special zones and parking spaces within state parks are designated and signed for exclusive use by vehicles displaying a special license plate or card denoting legal handicap status as provided in Section 49-213, Idaho Code. (3-7-03)

02. Overdriving Road Conditions and Speeding Prohibited. No person shall drive a vehicle at a speed greater than the posted speed or a reasonable and prudent speed under the conditions, whichever is less. Every person shall drive at a safe and appropriate speed when traveling on park roads, in congested areas, when pedestrians or bicyclists are present, or by reason of weather or hazardous highway conditions as provided in Section 49-654, Idaho Code. (3-7-03)

03. Motorcycle and ATV Safety Helmets. Persons under eighteen (18) years of age shall wear a protective safety helmet when riding upon a motorcycle or an all-terrain vehicle as operator or passenger ~~within Idaho State Parks~~ as provided in Section 49-666, Idaho Code. (3-7-03)

04. Snowmobile Operation Limited. No person shall operate a snowmobile on any regularly plowed park road unless authorized by park manager or designee. Access on non-plowed roads and trails shall only be permitted when authorized by the park manager. (3-30-01)
~~(3-30-01)~~

05. Compliance with Posted Regulatory Signs Required. Persons operating vehicles within state parks are required to obey posted regulatory signs as provided in Section 49-807, Idaho Code. (3-7-03)

06. Obedience to Traffic Direction Required. No person shall willfully fail or refuse to comply with any lawful order or directions of any park employee invested with authority to direct, control or regulate traffic within a state park. (3-30-01)

07. Restrictions. The operation of motorized vehicles within a designated campground is restricted to ingress and egress to a campsite or other in-park destination by the most direct route. (3-7-03)

08. Official Use. This rule does not prohibit official use of motorized vehicles by Department employees anywhere within lands administered by the Department. (1-1-94)

151. -- 174. (RESERVED).

175. PUBLIC BEHAVIOR.

01. Resisting and Obstructing a Park Employee Prohibited. Persons shall not willfully resist, delay, obstruct, or interfere with any park employee in his duties to protect the state's resources and facilities and to provide a safe place to recreate. (3-30-01)

02. Day Use. Between the hours of 10:00 p.m. and 7:00 a.m., unless otherwise posted, all persons not registered for the night or attending park sponsored activities are to leave the park.

03. Quiet Hours. Within lands administered by the Department, the hours between 10:00 p.m. and 7:00 a.m. shall be considered quiet hours unless otherwise posted. During that time, users are restricted from the production of noise that may be disturbing to other users. (1-1-94)

04. Noise. Amplified sound, poorly muffled vehicles, loud conduct or loud equipment are prohibited within lands administered by the Department, except in designated areas or by authority of the park manager. (1-1-94)

05. Alcohol. State laws regulating alcoholic beverages and public drunkenness shall be enforced within lands administered by the Department. (3-30-01)

06. Littering. Littering is prohibited within lands administered by the Department. (1-1-94)

07. Smoking. State Park facilities are designated as "smoke free" areas. Persons shall not smoke within park structures or at posted outdoor areas. (3-30-01)

176. -- 199. (RESERVED).

200. CAMPING.

01. Occupancy. Camping shall be permitted only in designated campsites or areas ~~with a maximum of one (1) camping unit per campsite, unless the site has been designed to accommodate or has been approved by the park manager or designee for a second unit or facilities.~~ A campsite or facility will be determined occupied only after the required camping fees have been paid and registration information completed. Unique circumstances may arise, and specific sites or facilities by virtue of design may require exceptions to the capacity limits outlined below.

02. Self Registration. In those areas so posted, campers shall register themselves for the use of

campsites and facilities, paying the appropriate fees as provided for herein and in accordance with all posted instructions.

03. Length of Stay. Except as provided herein, no person, party or organization may be permitted to camp on any lands administered by the Department for more than fifteen (15) days in any thirty (30) consecutive day period. This applies to both reservation and “first come first served” customers. The IDPR Operations Division Administrator or designee may authorize shorter or longer periods may be designated for any individual area by the park manager or designee for any individual area.

04. Registration Required. All camping fees must be paid and registration information completed prior to occupying a campsite or facility. Saving or holding campsites or facilities for individuals not physically present at the time of registration for “first come first served” camping is prohibited.

0405. Condition of Campsite. Campers shall keep their individual or group campsite or facility and other use areas clean.

0506. Liquid Waste Disposal. All gray water and sewage wastes shall be held in self-contained units or collected in water-tight receptacles in compliance with state adopted standards and dumped in sanitary facilities provided for the disposal of such wastes. (3-30-01)

0607. Motorized Equipment. No generators or other motorized equipment emitting sound and exhaust are permitted to be operated during quiet hours. (7-1-93)

0708. Campsite Parking. All ~~boats, motorcycles, motorized wheeled vehicles and trailers, rigs and motorized vehicles~~ shall fit entirely within the campsite parking ~~spur pad/area~~ provided with the assigned individual or group campsite or facility. All equipment ~~which that~~ does not fit entirely within the designated campsite parking area shall be parked at another location within the campground, or outside the campground, as may be designated by the park manager or designee. If no outside parking is available, the park manager or designee may require the party to register on a second campsite, if available.

0809. Equipment. All camping equipment and personal belongings of a camper shall be maintained within the assigned individual or group campsite or facility perimeter.

09010. Check Out.

a. Campsite. Campers are required to check out and leave a clean individual or group campsite by 1:00 p.m. of the day following the last paid night of camping.

b. Facility. Campers are required to check out and leave a clean individual or group camping facility by 12:00 p.m. (noon) of the day following the last paid night of camping.

1011. Visitors. Individuals visiting campers shall park in designated areas, except with permission of the park manager or designee. Visitors shall conform to established day use hours and ~~motor vehicle entry~~ day use fee requirements.

1112. Responsible Party. The individual purchasing ~~a~~ an individual or group campsite or facility is responsible for ~~assuring~~ ensuring compliance with the rules within this chapter.

1213. Camping Prohibited. ~~No camping is permitted outside designated campsites unless specifically authorized.~~ Camping on in individual or group facility sites is prohibited unless in areas specifically designated for camping or by authorization of the park manager or designee.

201. BOATING FACILITIES.

The provisions of this section do not apply to Department-operated marinas which provide moorage on a lease or long term rental basis. (3-7-03)

01. Moorage and Use of Marine Facilities. No person or persons shall moor or berth a vessel of any type in a Department-owned or operated park or marine area that is signed for other use. Vessel moorage shall be limited to no more than fifteen (15) days in any consecutive thirty (30) day period.

02. Moorage Fees. Vessels moored between 10:00 p.m. and 7:00 a.m. at designated facilities shall be charged an overnight moorage fee. (3-7-03)

03. Use of Onshore Campsites. If any person or persons from a vessel moored at a Department boating facility also occupies any designated campsite onshore, the appropriate established fee for such campsite(s) shall be paid in addition to any moorage fee provided herein. (3-13-97)

04. Self-Registration. In those areas so posted, boaters shall register themselves for the use of marine facilities and onshore campsites, paying the appropriate moorage and campsite fees as provided for herein and in accordance with all posted instructions. (3-13-97)

202. -- 224. (RESERVED).

225. FEES AND SERVICES.

01. Authority. (3-13-97)

a. The Board shall adopt fees for the use of lands, facilities, and equipment. Visitors shall pay all applicable fees. (3-7-03)

b. Park managers or designees may set fees for goods available for resale and services provided by staff that enhance the users experience unique to the individual park. Fees for lands, facilities, and equipment unique to an individual park will be posted at that site. (3-7-03)

02. General Provisions. All fees in this chapter are maximum fees unless otherwise stated. Actual fees charged shall be established by Board Policy. (3-7-03)

03. Camping. Camping fees include the right to use designated campsites and facilities for the period camp fees are paid. Utilities and facilities may be restricted by weather or other factors. (3-16-04)

04. Group Use. (7-1-93)

a. Groups of twenty-five (25) persons or more, or any group needing special considerations or deviations from these rules, shall ~~have~~ obtain a permit. Permits may be issued after arrangements have been made for proper sanitation, population density limitations, safety of persons and property, and regulation of traffic. (1-1-94)

b. Permits for groups of up to two hundred fifty (250) people may be approved by the park manager with thirty (30) days advance notice. Permits for groups of two hundred fifty (250) to one thousand (1,000) may be approved by the Director with forty-five (45) days advance notice. Groups over one thousand (1,000) may be approved by the Board with sixty (60) days advance notice. The Director may approve groups over one thousand (1,000) with thirty (30) days advance notice, if they are repeat users. (1-1-94)

c. The ~~motorized vehicle entry~~ day use fee may be charged to groups entering a designated area for a noncamping visit.

05. Fees and Deposits. Fees and deposits may be required for certain uses or the reservation of certain facilities unique to an individual park and will be posted at that site.

06. Fee Collection Surcharge. A five dollar (\$5) surcharge may be added to all established fees when the operator of a motorized vehicle or responsible party of a camping unit fails to pay required fees prior to entering a park area or occupying a campsite. If the surcharge is assessed, and the operator of the vehicle or responsible party

is not present, all required fees in addition to the five dollar (\$5) surcharge will be assessed against the registered owner of the motorized vehicle or camping unit. (3-16-04)

07. Admission Fees. A maximum per person fee of ten dollars (\$10) may be charged for internal park facilities which provide an educational opportunity or require special accommodations. (3-10-00)

08. Cooperative Fee Programs. The Department may collect and disperse fees in cooperation with fee programs of other state and federal agencies. (3-10-00)

226. -- 249. (RESERVED).

250. FEE SCHEDULE.

01. Campsites.

CAMPSITE FEE TABLE	
Primitive Campsite (may include: table, grill, camp spur, vault toilet, no water.) No amenities at site, camping area not defined	\$ 7 9/day
Basic <u>Standard</u> Campsite Any defined campsite, either tent pad or RV pad/area (may include table; and/or grill, camp spur, central water, vault toilets)	\$9 12/day
Developed <u>Serviced</u> Campsite/ <u>W</u> Any defined campsite, either tent pad or RV pad/area, with water at site (may include table; and/or grill, camp spur, central water, flush toilets)	\$12 16/day
<u>Serviced</u> Campsite/ E Any defined campsite, either tent pad or RV pad/area, with electricity at site (may include: table and/or grill)	\$16/day
<u>Serviced</u> Campsite/ W, E Any defined campsite, either tent pad or RV pad/area, with water and electricity at site (may include table and/or grill)	\$20/day
<u>Serviced</u> Campsite/W, E, SWR Any defined campsite, either tent pad or RV pad/area, with water, electricity, and sewer at site (may include table and/or grill)	\$22/day
Deluxe Companion Campsite May be any campsite type, regardless of amenities, site that has greater equipment/people capacities <u>capacity</u> (a developed campsite that is designed to accommodate two (2) camper units may include table and/or grill) Fee determined by actual site type	\$22 /day <u>site type multiplied by two (2)</u>
Electric hookups at site additional	\$4/day
Sewer hookups at site additional	\$2/day
Use of campground showers by non-campers	\$3/person
Limited Income Discount - Idaho residents showing proof of limited income may receive a camping fee discount (Medicaid card or other evidence approved by the Board)	\$4/day
Resident Disabled Idaho Veterans - Campsite fees are waived for resident Idaho veterans showing proof of a one hundred percent (100%) permanent and total service-related disability	
<u>Senior Citizen Discount – Pursuant to Sec. 67-4223, Idaho Code, and at the discretion of the Director, IDPR may provide, at selected locations and times, a senior citizen discount.</u>	<u>Maximum 50% of RV camping fee</u>
Extra Vehicle Charge	\$5 7/day
Camping Cabins and; Yurts; or Teepee	\$72 150/night
Each additional person above the sleeping capacity of camping cabin; or yurt or teepee	\$12/night

02. Reservation Service Fees, Individual Campsite or Facility. A non-refundable non-transferable (from one party to another) service charge of six ~~ten~~ dollars (\$610) will may be assessed for each individual campsite or facility reserved. This fee will be waived for campers with a current Idaho RV registration sticker and reimbursed to the Department by the RV Program. A service charge of ten dollars (\$10) or the first night's fee, whichever is less, will be assessed for the cancellation or modification of each individual campsite or facility reserved that involves reducing the planned length of stay or to change the reservation dates where part of the new stay includes part of the original stay booked (rolling window) if notice is received more than twenty-four (24) hours in advance of the scheduled arrival time. Cancellations or modifications made less than twenty-four (24) hours in advance of the scheduled arrival time shall result in assessment of a ten dollar (\$10) service charge and may require the forfeiture of the first night's camping fee. Modifications that change the original stay so that no part of the new stay includes part of the original stay are to be considered a cancellation and a re-book will be required.

03. Motorized Vehicle Entry Day Use Fee (MVEF).

MOTORIZED VEHICLE ENTRY DAY USE FEE (MVEF) TABLE.	
Daily charge per motorized vehicle. The daily MVEF day use fee expires at 10:00 p.m. on date of purchase <u>or as posted</u> , unless the party is registered to camp, in which case, the daily MVEF will expire at 1 p.m. the following day. Overnight camping guests are exempt from this fee.	\$ 5
Daily charge per commercial motor coach (no annual pass available).	\$25
Statewide Annual State Park Passport per motorized vehicle.	\$35
Disabled Idaho Resident Veterans - The MVEF day use fee is waived for resident Idaho veterans showing proof of a one hundred percent (100%) permanent and total service related disability.	
Second Vehicle Annual Passport.	\$ 5

04. Special Charges. The cost to the agency for returned checks will be passed on to the issuer of the insufficient funds check. (3-7-03)

05. Group Facility Fees. Reservation Service Fee, Designated Group Campground or Facility.

a. A ~~reservation non-refundable, non-transferable (from one (1) party to another)~~ service charge of twenty-five dollars (\$25) ~~shall will be charged for each reservation of a~~ assessed per designated group area or facility reserved. ~~Additional charges may This fee will be imposed by charged in addition to the usage fees for each group or campsite or facility park manager or designee depending upon the cost of providing services~~

b. Groups using overnight facilities shall be charged three dollars (\$3) per person per night camping fees for each individual above the authorized base occupancy rate for the specific site or facility.

c. ~~Unless other arrangements are made with the park manager or designee, all group facility use fees and any applicable deposits are required to be prepaid to confirm a group use facility reservation. Unless otherwise provided for in these rules, all use fees shall be refunded if notice of cancellation is provided not later than 2 p.m., local time, twenty-one (21) days prior to date of scheduled arrival. Unless otherwise provided for in these rules, during the primary season, the percent of fees refunded for cancellations made less than twenty one (21) days prior to date of scheduled arrival will be based on the ability of the park manager or designee to register the cancelled sites to other parties. Cleaning/damage deposits may be required for certain facilities. Where cleaning/damage deposits are required, they shall be paid prior to check-in. Cleaning/damage deposits shall be fully refunded if the facilities are facility is left in the same condition in which they were it was accepted.~~

d. ~~Cleaning/damage deposits may be required for certain facilities. Where cleaning/damage deposits are required, they shall be paid prior to check-in. Cleaning/damage deposits shall be fully refunded if the facilities are left in the same condition in which they were accepted. Group use fees for day use facilities may be negotiated by the park manager or designee but shall never and will generally not fall below the cost of providing services.~~

06. Boating Facilities.

BOATING FACILITIES FEE TABLE	
Vessel launching (per vessel/per day) (Annual park passport and daily MVEF or day use fee apply toward vessel launching fees)	\$5/ day
Overnight moorage --any length of vessel. (Applicable to persons who have paid for a park campsite and are not camping on the vessel)	\$5/night
Overnight moorage --persons camping on vessel	
Any length vessel	\$8/night
Any length vessel moored at buoy	\$5/night

07. Modification of Fees. Additional fees or deposits may be required for certain uses or for the reservation of certain facilities. The Department reserves the right to waive or reduce fees and charges for Department sponsored promotions.

08. Sales Tax. Applicable sales tax may be added to all sales excluding ~~daily motor vehicle entrance~~ the day use fees.

09. Length of Stay. Fifteen (15) days in any consecutive thirty (30) day period.

10. Nordic Ski Grooming Program Fee. A fee of four dollars (\$4) per person per day and thirty-five dollars (\$35) per family per season will be required at Board-approved premium Nordic ski grooming program locations. These programs may include: maintained parking areas, warming facilities, winter accessible restroom facilities, regularly groomed ski trails, extensive signing, trail mapping and ski patrol services. (3-16-04)

251. -- 274. (RESERVED).

275. CRITERIA FOR INDIVIDUAL CAMPSITE, CAMPING CABIN, AND YURT AND TEPEE RESERVATIONS.

01. Confirmation Requirements

a. Confirmation Requirements of an Individual Campsite or Facility Reservation. ~~The prepayment~~ Full payment of all applicable fees is required to confirm an individual campsite, appropriate camping cabin, yurt or tepee and related service fees shall be made before a reservation is confirmed.

b. Confirmation of a Designated Group Campground or Facility Reservation.

i. Payment of the first night or daily base rate fee for a group facility and all related service fees shall be made before a reservation is confirmed.

ii. Payment of all camping and related service fees applicable for each campsite or facility reserved within a group campground must be paid at the time of booking before a reservation is confirmed.

02. Individual Campsite, ~~Camping Cabin, Yurt and Tepee~~ Facility Reservations. Reservations for individual campsites, ~~camping cabins, yurts and facilities~~ tepees may be made anytime ~~between ninety (90) days up to nine (9) months~~ and but no less than two (2) days prior to the scheduled date of arrival. Reservations may be accepted greater than nine (9) months in advance or less than two (2) days prior to the scheduled date of arrival only with the approval of the park manager Operations Division Administrator or designee. All non-reservation camping is on a "first come first served" basis.

03. Multiple Campsite and Facility Reservations. Multiple reservations including ten (10) or more for individual campsites or facilities may be made up to eleven (11) ~~nine (9)~~ months in advance of the scheduled arrival date, with the approval of the park manager or designee. Multiple campsite reservation limitations are subject to destination park's campground design and capacity. Reservations may be accepted greater than nine (9) months in advance of arrival only with the approval of the Operations Division Administrator or designee. One (1) person may pay all applicable fees. No more than thirty ~~forty~~ percent (30/40%) of the total number of campsites sites in a campground managed for individual use (non-group designated) may be reserved before the ninety (90) day individual campsite reservation window for group use at any given time.

04. Reservation Modifications.

Individual and Group Campsite(s) or Facilities. A reservation service fee will be assessed for any modification to a previously made reservation that involves reducing the planned length of stay, or to change the reservation dates where part of the new stay includes part of the original stay booked (rolling window). ~~This service fee will be assessed for each campsite involved.~~ With the exception of the reservation service fees as defined in

Subsection 250.02, ~~at~~ any overpaid fees ~~paid~~ will be reimbursed at the time the reservation is modified.

05. Reservation Cancellations.

a. Individual Site or Facility. A reservation service fee will be assessed for the cancellation of a reservation. This service fee will be assessed for each campsite or facility involved. If the customer cancels after the scheduled arrival date the customer forfeits all usage fees for the time period already expired. Cancellations received after checkout time will result in the forfeiture of that day's usage fees for the campsite or facility. At no time shall the customer be charged a cancellation fee that exceeds the amount originally paid. The IDPR or its reservation service provider may cancel a customer's reservation for insufficient payment of fees due. With the exception of the reservation service fees, all fees paid will be reimbursed at the time the reservation is cancelled.

b. Designated Group Campsite or Facility. A reservation service fee will be assessed for the cancellation of a reservation. If a cancellation for a group facility occurs fewer than twenty-one (21) calendar days prior to arrival, the customer forfeits the first night or daily facility usage fees (base rate). If a cancellation for a group facility occurs more than twenty-one (21) calendar days prior to arrival, a cancellation charge of \$50.00 will be assessed. If the customer cancels after the arrival date the customer forfeits all usage fees for the time period already expired. Cancellations received after checkout time will result in the forfeiture of that day's usage fees for the campsite or facility. At no time shall the customer be charged a cancellation fee that exceeds the amount originally paid. The IDPR or its reservation service provider may cancel a customer's reservation for insufficient payment of fees due. An individual site cancellation fee applies to each campsite in a group campground. With the exception of the reservation service fees, all fees paid will be reimbursed at the time the reservation is cancelled.

06. Park Manager Authority. The park manager or designee may deny entry to, or a reservation of, any Department unit, campsite, or facility, to any individual whose prior documented behavior has violated Department rules or whose in-park activities are incompatible with the park's operation. (3-7-03)

276. -- 299. (RESERVED).

300. RESERVING GROUP USE FACILITIES.

01. General. Unless otherwise provided, designated group use facilities and areas may be reserved through the reservation system up to ~~eleven (11)~~ nine (9) months in advance but at least two (2) days prior to the first day to be reserved date of arrival. Individual campsites within designated group camping areas may be reserved by individual campers if they are not reserved by groups up to ninety (90) days prior to arrival.

02. Responsible Party. A designated group leader shall be responsible for all facilities. A damage or cleaning deposit may be required by the park manager or designee as a condition of reservation. (3-7-03)

03. Park Manager Authority. The park manager or designee may deny entry to, or a reservation of, any Department unit, campsite, or facility, to any group whose prior documented behavior has violated Department rules, whose in-park activities are incompatible with the park's operation, or whose in-park activity will violate Department rules. (3-7-03)

04. Additional Information. Additional information concerning group use reservations and definitions can be found in Subsection 250.06 ~~5~~ of this chapter. (3-7-03)

301. -- 399. (RESERVED).

400. PARK CAPACITIES.

Where applicable, Park managers may limit or deny access to an area whenever it has reached its designated capacity. Only if special arrangements for the public welfare have been made may the park manager allow that capacity to be exceeded.

401. -- 449. (RESERVED).

450. WATERFRONT AREA RESTRICTIONS.

01. Swimming. Swimming or water contact shall be at an individual's own risk. (3-7-03)

02. Restrictions on Designated Beaches. No glass containers or pets are allowed on designated beaches or swim areas. (3-7-03)

03. Restricted Areas. Vessels shall remain clear of designated beaches and other areas signed and buoyed for public safety. (3-7-03)

04. Ramps and Docks. The use of docks located next to boat ramps is limited to the active launching and loading of boats. (3-7-03)

05. Compliance with Laws. Vessels operating on public waters administered by the Department shall fully comply with the Idaho Safe Boating Act, Title 67, Chapters 70 and the Marine Sewage Disposal Act, Title 67, Chapter 75, Idaho Code and the rules promulgated thereunder. The Director may establish rules prohibiting the use of boat motors or to limit the horsepower capacity on those vessels operating on waters administered by the Department. (3-7-03)

451. -- 474. (RESERVED).

475. PETS.

Pets are allowed within lands administered by the Department only if confined or controlled on a leash not longer than six (6) feet in length. No person may allow their pet to create a disturbance which might be bothersome to other users. Excepting persons with disabilities who are assisted by guide animals, no person may permit their pet animals to enter or remain on any swim area or beach. Pet owners shall be responsible to clean up after their animals. Pets may not be left unattended. Areas for exercising pets off leash may be designated by the park manager or designee. Department employees may impound or remove any stray or unattended animals at the owner's expense. (3-7-03)

476. -- 499. (RESERVED).

500. LIVESTOCK.

Grazing of livestock is not permitted within lands administered by the Department. Exceptions may be made by the Board for grazing permits or otherwise permitting the use of lands administered by the Department for livestock. The use of saddle or other recreational livestock is prohibited on trails, roadways, and other areas unless designated through signing for that purpose or with permission of the park manager or designee. (3-7-03)

501. -- 524. (RESERVED).

525. FIRES.

The use of fires shall be restricted to fire circles, grills or other places otherwise designated by the park manager. All fires shall be kept under control at all times, and shall be extinguished before checking out of the campsite or whenever fire is left unattended. Areas may be closed to open fires during extreme fire danger. (3-13-97)

526. -- 549. (RESERVED).

550. FIREWORKS.

No person may use fireworks of any kind within lands administered by the Department, except under special permit issued by the Director for exhibition purposes, and then only by persons designated by the Director. (1-1-94)

551. -- 574. (RESERVED).

575. PROTECTION OF WILDLIFE.

All molesting, injuring, or killing of any wild creature is strictly prohibited, except as provided by action of the Board and as established in Board Policy. Persons in possession of wildlife, which may be legally taken within state park boundaries, shall comply with Idaho Fish and Game rules. (3-7-03)

576. PROTECTION OF HISTORICAL, CULTURAL, AND NATURAL RESOURCES.

The digging, destruction or removal of historical, cultural, or natural resources is prohibited. Collection for scientific and educational purposes will be through written permission of the park manager or designee only. (3-7-03)

577. -- 599. (RESERVED).

600. PERSONAL SAFETY, FIREARMS.

No person may discharge firearms or any other projectile firing device, or otherwise purposefully or negligently endanger the life of any person or creature within any land administered by the Department. All firearms brought onto lands administered by the Department shall be unloaded at all times and either out of sight, or in a vehicle, except when used for legal hunting as authorized in Section 575 in this chapter, or for exhibition or at designated ranges as authorized by the Director. (3-7-03)

601. -- 625. (RESERVED).

625. ADVERTISEMENTS/PROMOTIONS/DEMONSTRATIONS.

a. Public notices, public announcements, advertisements, or other printed matter shall only be posted or distributed in a special area approved by the park manager or designee.

b. Political advertising is strictly prohibited within any lands administered by the Department.

c. Public demonstrations are limited to areas approved by the park manager and subject to an approved permit issued after arrangements for sanitation, population density limitations, safety of persons and property, and regulation of traffic are made. (3-7-03)

626. -- 649. (RESERVED).

650. AUTHORIZED OPERATIONS.

No person, firm, or corporation may operate any concession, business, or enterprise within lands administered by the Department without written permission or permit from the Board. No person(s), partnership, corporation, association or other organized groups may: (1-1-94)

01. Beg or Solicit for Any Purpose. (7-1-93)

02. Game or Operate a Gaming Device of Any Nature. (7-1-93)

03. Abandon Any Property. Leaving property on Department lands is prohibited unless registered in a campsite or permitted by the park manager or designee. Property left on Department lands for more than twenty-four (24) hours will be removed at the owner's expense. (3-7-03)

04. Discriminate. Discriminate in any manner against any person or persons because of race, color, national origin, religion, gender, age or disability within lands administered by the Department. (1-1-94)

651. -- 674. (RESERVED).

675. DEPARTMENT RESPONSIBILITY.

The Department is not responsible for damage to, or theft of personal property within lands administered by the Department. All visitors use facilities and areas at their own risk. (1-1-94)

676. -- 999. (RESERVED).

IDAPA 26
TITLE 01
Chapter 31

**26.01.31 - RULES GOVERNING THE ADMINISTRATION OF IDAHO DEPARTMENT OF
PARKS AND RECREATION ~~RECREATIONAL PROGRAM~~ STATE AND FEDERAL GRANT FUNDS**

000. LEGAL AUTHORITY.

The Idaho Park and Recreation Board is authorized under Section 67-4223(a), Idaho Code, to adopt, amend, or rescind rules as may be necessary for proper administration of the Department and its programs. (7-1-99)

001. TITLE AND SCOPE.

01. Title. The title of this chapter shall be cited in full as Idaho Department of Parks and Recreation (IDPR) Rules, IDAPA 26.01.31, "Rules Governing the Administration of the Idaho Department of Parks and Recreation ~~Recreational Program~~ State and Federal Grant Funds". (7-1-99)

02. Scope. This chapter establishes procedures for ~~the grants~~ administration of the Off-Road Motor Vehicle Account, the Recreational Vehicle Account, ~~the Boat Safety Account,~~ the Waterways Improvement Fund, ~~the Cross-Country Skiing Recreation Account,~~ the State Trust for Outdoor Recreation Enhancement, ~~and the Recreational Trails Fund Program, the Motorbike Recreation Account, the Cutthroat License Plate Fund, and the Recreational Road and Bridge Fund.~~ This chapter includes ~~including~~ requirements for project application, eligibility, review, award and management. (7-1-99)

002. WRITTEN INTERPRETATIONS.

This agency has written interpretations of these rules, in the form of explanatory comments accompanying the notice of proposed rule-making that originally proposed the rules, or documentation of compliance with IDAPA 26.01.01, "Rules of Administrative Procedure of the Idaho Park and Recreation Board," Section 150. In addition, ~~participation manuals~~ Idaho Department of Parks and Recreation Grant Guidelines prepared and maintained by the Department provide additional interpretation of these rules. These documents are available for public inspection and copying in the central office of the agency. (7-1-99)

003. ADMINISTRATIVE APPEALS.

Any applicant who may be adversely affected by a final decision, ruling, or direction of the Department may seek relief as outlined under IDAPA 26.01.01, "Rules of Administrative Procedure of the Idaho Park and Recreation Board," Section 250. (7-1-99)

004. PUBLIC RECORDS.

The records relative to any ~~recreational program~~ grant project are public records, and are to be controlled as outlined under IDAPA 26.01.01, "Rules of Administrative Procedure of the Idaho Park and Recreation Board," Section 300. (7-1-99)

005. CITATION.

The official citation of this chapter is IDAPA 26.01.31.000 et seq. For example, the citation for this section is IDAPA 26.01.31.005. (7-1-99)

006. -- 009. (RESERVED).

010. DEFINITIONS.

As used in this chapter: (7-1-99)

01. Applicant. ~~A public~~ An IDPR approved entity, ~~user-group, organization, or individual~~ that

identifies a need for a project, supplies initial support data, and applies for a recreational program grant through the Department. (7-1-99)

02. Board. The Idaho Park and Recreation Board. (7-1-99)

~~**03. Boating Law Administrator.** The staff administrator of the Waterways Improvement Fund and the Boat Safety Account. (7-1-99)~~

~~**04. Boat Safety Account.** Those grant funds given to the Department by the U.S. Coast Guard, and which originate from the Federal Aquatic Resources Trust Fund, Boat Safety Account. (7-1-99)~~

~~**05. Boat Safety Program.** The subdivision of the Department responsible for administering the Boat Safety Account. (7-1-99)~~

06 03. County Waterways Committee. Those committees created by Section 67-7012, Idaho Code whose purpose is to advise the county on the maintenance and improvements of waterways and expenditures of moneys deposited in the county vessel account. (7-1-99)

04. Cutthroat License Plate Fund (CLP). That portion of the Park and Recreation fund created in Section 67-4225, Idaho Code, received from the sale of cutthroat wildlife licence plates.

~~**07. Cross-Country Skiing Recreation Account.** That account established by Section 67-7117, Idaho Code. (7-1-99)~~

~~**08. Cross-Country Skiing Recreation Program.** The subdivision of the Department responsible for administering the Cross-Country Skiing Recreation Account. (7-1-99)~~

~~**09 05. Department.** The Idaho Department of Parks and Recreation. (7-1-99)~~

~~**10 06. Director.** The chief administrator of the Department, or the designee of the director. (7-1-99)~~

~~**11 07. Grant.** A grant from programs or funds as described in Section 001.02 of this chapter. the Off-Road Motor Vehicle Account, Recreation Vehicle Account, Waterways Improvement Fund, Boat Safety Account, Recreational Trails Fund, Cross-Country Skiing Recreation Account, or State Trust for Outdoor Recreation Enhancement. (7-1-99)~~

08. Grantee. An applicant who receives a grant from the Department for the programs or funds as described in Section 001.02.

~~**171309. Participation Manual IDPR Grant Guidelines.** A compilation of state procedures, rules, and instructions assembled in manual form for dissemination to the potential applicant and public entities that may wish to apply for participate in recreational program grants. (7-1-99)~~

~~**120910. Management.** The actions taken in exercising control over, regulating the use, operation, and maintenance of facilities or programs. (7-1-99)~~

~~**1310 11 Motorbike Recreation (MBR) Account.** This account, created by Section 67-71226, Idaho Code, may be used for all of the purposes outlined in Subsection 010.1411 of this chapter and rider education programs. When reference is made to the ORMV Account in this chapter, it is intended to include the MBR Fund the same as if it was specifically denoted as such except enforcement of laws and rules governing the use of off-road motor vehicles in Idaho. (7-1-99)~~

~~**141112. Off-Road Motor Vehicle (ORMV) Account.** That account created by Section 57-1901, Idaho Code. These moneys may be used to acquire, purchase, improve, repair, maintain, furnish and equip off-road motor~~

vehicle facilities and sites or areas used by off-road vehicles on public or private land, and to assist with enforcement of laws and regulations governing the use of off-road vehicles in the state of Idaho. (7-1-99)

151213. Off-Road Motor Vehicle (ORMV) Account Advisory Committee. A nine (9) member committee appointed by the Board to advise the Department on matters involving ORMV Fund grants. (7-1-99)

~~**16. Off-Road Motor Vehicle (ORMV) Program.** The subdivision of the Department responsible for administering the ORMV Account. (7-1-99)~~

1814. Project. An effort to comply with Idaho statutes and rules for which recreational program grant funds shall be used to assist the applicant in achieving the objectives of the recreational grant programs. (7-1-99)

1915. Project Manager. Any individual who has the principle responsibility for the ongoing management of projects. (7-1-99)

2016. Public Entity. The state, federal or local government or a subdivision thereof, or an Indian tribe. (7-1-99)

~~**21. Recreational Program.** The Off-Road Motor Vehicle Program, Recreational Vehicle Program, Waterways Improvement Fund Program, Boat Safety Program, Cross-Country Skiing Recreation Program, Snowmobile Program, Recreational Trails Program, State Trust for Outdoor Recreation Enhancement Program, and the Land & Water Conservation Fund Program administered by the Department. (7-1-99)~~

~~**22. Recreational Program Managers.** The Trails Program Supervisor, Recreational Vehicle Program Coordinator and Boating Law Administrator. (7-1-99)~~

~~**17. Recreational Road and Bridge Fund (RRBF).** That portion of the park and recreation capital improvement account designated for grants to improve roads, bridges, and parking lots in or leading to park and recreation areas of the state.~~

2318. Recreational Trails Program Fund (Recreational Trails Program) (RTP). The account created by the Transportation Equity Act for the 21st Century (Section 1112). This fund may be used for maintenance and restoration of existing recreational trails, development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails, purchase and lease of recreational trail construction equipment, construction of new recreational trails, acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors, and the operation of education programs to promote safety and environmental protection as those objectives relate to the use of recreational trails. (7-1-99)

2419. Recreational Trails Program (RTP) Fund (RTF) Advisory Committee. A ten (10) member advisory committee appointed by the Board to advise the Department on matters related to the Recreational Trails Program Fund. (7-1-99)

2520. Recreational Vehicle (RV) Account. That account created by Section 49-448, Idaho Code. The moneys may be used for the acquisition, lease, development, improvement, and maintenance of facilities designed to promote the health, safety, and enjoyment of recreational vehicle users. (7-1-99)

2621. Recreational Vehicle (RV) Advisory Committee. A six (6) member committee appointed by the Board to advise the Board and Department on matters involving the RV Account. (7-1-99)

~~**27. Recreational Vehicle (RV) Coordinator.** The staff administrator of the Recreational Vehicle Program. (7-1-99)~~

~~**28. Recreational Vehicle (RV) Program.** The subdivision of the Department responsible for~~

administering the RV Account. (7-1-99)

~~2922.~~ **Staff.** Any individual employed by the Department. (7-1-99)

~~23.~~ **State and Federal Grant Manager.** The Department administrator in charge of State and Federal grant programs.

~~24.~~ **State and Federal Grant Program.** That section of the Department responsible for the administration of state and federal grant programs. (7-1-99)

~~3025.~~ **State Trust For Outdoor Recreation Enhancement (STORE).** The recreation account created by Section 67-4247, Idaho Code. (7-1-99)

~~3126.~~ **Trails Program.** The subdivision of the Department responsible for administering the ORMV Program, Motorbike Program, Recreational Trails Program, Snowmobile Program, Non-Motorized Trails Program, and the Cross-Country Skiing Recreation Program. (7-1-99)

~~32.~~ **Trails Program Supervisor.** The staff administrator of the Trails Program. (7-1-99)

~~3327.~~ **26 Waterways Improvement Fund (WIF).** That fund created by Section 57-1501, Idaho Code. These moneys may be used for the protection and promotion of safety, waterways improvements, creation and improvement of parking areas for boating purposes, making and improving boat ramps and moorings, marking of waterways, search and rescue, and all things incident to such purposes including the purchase of real and personal property. No such improvements shall be constructed in any county of the state without the approval of the county waterways committee of the plan for such improvements. (7-1-99)

~~3428.~~ **27. Waterways Improvement Fund Grant Advisory Committee.** A six (6) member committee appointed by the Board to advise the Department on matters relating to Waterways Improvement Fund grants. (7-1-99)

011. -- 049. (RESERVED).

050. GENERAL PROVISIONS OF THE RECREATIONAL STATE AND FEDERAL GRANT PROGRAMS.

It is the intent of the Department, through the recreational State and Federal Grant programs, to provide funds and planning assistance to entities for the acquisition, lease, development, improvement and maintenance of facilities and equipment to promote the health, safety, enjoyment and general welfare of recreational users in the state of Idaho. (7-1-99)

051. -- 074. (RESERVED).

075. ELIGIBLE APPLICANTS.

Public entities as defined in Section 010.16, and sponsors as defined by Federal Highway Administration Recreation Trail Program Interim Guidance, are eligible to apply and receive grants as described in 001.02 of this chapter. Applicants eligible for recreational program fund grants are as follows: (7-1-99)

~~01.~~ **Boat Safety Account.** Public entities as defined in Section 010 of this chapter, and recognized national or statewide boating safety organizations that can demonstrate evidence of responsibility in providing public boating safety services. Federal funds shall not be used as match for Boat Safety Account grants. (7-1-99)

~~02.~~ **Cross-Country Skiing Recreation Account.** Public entities as defined in Section 010 of this chapter and nonprofit entities. (7-1-99)

~~03.~~ **Off-Road Motor Vehicle Account.** Public entities as defined in Section 010 of this chapter, and private groups, organizations or individuals which provide evidence of its ability to implement or operate and

maintain the project following the completion of the project. (7-1-99)

~~04. **Recreational Trails Fund.** Public entities as defined in Section 010 of this chapter, and private groups, organizations or individuals which provide evidence of its ability to implement or operate and maintain the project following the completion of the project. Federal funds shall not be used as match for RTF grants except when specifically allowed by federal law. (7-1-99)~~

~~05. **Recreational Vehicle Account.** Public entities as defined in Section 010 of this chapter. (7-1-99)~~

~~06. **State Trust For Outdoor Recreation Enhancement Fund.** The state of Idaho and any of its subdivisions legally authorized to provide public recreation facilities. (7-1-99)~~

~~07. **Waterways Improvement Fund.** Public entities as defined in Section 010 of this chapter. All applications for projects involving the construction or improvements of physical facilities shall be approved by the county waterways committee or the county commissioners (7-1-99)~~

076. -- 099. (RESERVED).

100. APPLICATION PROCEDURE.

All forms and documents required by these rules and the Department shall be completed and submitted according to these rules in order for a grant application to be considered for approval. (7-1-99)

01. Forms. To be considered for a grant, an applicant must file with the Department a completed grant application form and other documentation specified in the IDPR Grant Guidelines participation manual, all of which shall have original signatures. ~~Except for Boat Safety Account block grants, a~~An applicant must file with the Department a completed grant agreement form, with original signatures, within ~~thirty (30)~~ sixty (60) calendar days of written notification of grant approval. ~~An applicant for a Boat Safety Account block grant shall sign a Memorandum of Understanding with the director at least thirty (30) days prior to the beginning of the block grant award period.~~ The application, and grant agreement ~~or Memorandum of Understanding~~ forms shall be provided to the applicant by the Department. (7-1-99)

02. Review. The applicant or applicant's representative may review the project and all associated documentation with the Department prior to submitting the application to ensure the project and documentation meet the criteria of the ~~recreational program grant~~State and Federal grant program. When possible, Department staff may perform an on-site visit to the project site for preliminary fact finding and to evaluate the viability and eligibility of the project. (7-1-99)

03. Public Comment. The applicant shall submit to the Department proof of public comment regarding the project. Proof of public comment ~~shall may~~ include the results of public meetings, scoping of National Environmental Policy Act (NEPA) processes, individual contacts with recreationists and others that may be affected by the project, newspaper articles and/or other media releases which describe the project and request public input. (7-1-99)

04. Deadline. The deadline for grant applications to recreational program grants shall be established by the Department. The Department shall announce the availability of funds at least sixty (60) days prior to the deadline date for receipt of applications. (7-1-99)

101. -- 149. (RESERVED).

150. ELIGIBILITY AND PRIORITY RATING OF PROJECTS.

Eligibility of all projects or applicants shall be determined by the ~~appropriate recreational program manager~~ State and Federal Grant Manager who shall consider relevant rules, ~~and statutes and past performance of the applicant.~~ (7-1-99)

01. Pre-Application Activities. Projects, or any part thereof, either paid for by the grantee applicant

or completed prior to the grant application deadline date established by the Department, shall be ineligible for ~~Recreational Vehicle Account and Waterways Improvement Fund~~ grant funding or to be considered as match. However, costs for design and engineering incurred within one (1) year prior to the ~~date awarded application deadline date~~ may be considered as match, provided they are listed as a scope element on the application. Recreational Trail Program projects, or any part thereof, completed prior to the execution of the project agreement shall be ineligible for grant funding or to be considered as match. (7-1-99)

02. Priority Rating Criteria. The Department and/or appropriate advisory committee shall establish project priorities rankings by rating each eligible project using criteria established by the Department Board. All eligible projects shall be rated by the committee. Specific evaluation criteria for each recreational program shall be listed in the IDPR Grant Guidelines, their associated participation manual and may include: (7-1-99)

- ~~a. Conformance with legal requirements;~~ (7-1-99)
- ~~b. Compliance with program objectives;~~ (7-1-99)
- ~~c. Accuracy of estimated costs of the project;~~ (7-1-99)
- ~~d. Potential of the project to enhance the health, safety, enjoyment and general welfare of recreational users in Idaho;~~ (7-1-99)
- ~~e. History of prior recreational program grant management by the applicant;~~ (7-1-99)
- ~~f. Adequacy of project design or construction, if applicable;~~ (7-1-99)
- ~~g. The applicant's level of matching share provided for the project;~~ (7-1-99)
- ~~h. Suitability of the project for the proposed site, use and location; and~~ (7-1-99)
- ~~i. Grant amount requested compared to the amount of funds available.~~ (7-1-99)

151. -- 174. (RESERVED).

175. PROJECT TIME PERIOD.

01. Grant Cycle. Applications for ORMV Fund, RV Account, WIF, Motorbike Recreation Account, Cutthroat License Plate Fund, Recreational Road and Bridge Fund, or STORE projects shall be considered at least once each state fiscal year (July 1 through June 30) dependant upon adequate funding availability. Applications for RTP, RTF or Boat Safety Account projects shall be considered at least once each federal fiscal year (October 1 through September 30) dependent upon adequate funding availability. (7-1-99)

02. Expenditure Of Grant Funds. Except as herein provided, the applicant grantee shall have only the designated state or federal fiscal year or years to expend ~~recreational program~~ grant funds. If the ~~recreational program~~ grant funds are not expended within the designated fiscal year or years, the grant shall be revoked unless the applicant requests and receives an extension of time from the Department. (7-1-99)

03. Requests For Extension. A written request for an extension of the project period shall be received by the Department prior to the end of the project period. The appropriate recreational program State and Federal Grant Manager shall make the final determination of extensions. No project extension shall be granted for more than one (1) year, however, project extensions may be granted in consecutive years. (7-1-99)

176. -- 199. (RESERVED).

200. AUTHORITY FOR FUNDING APPROVAL.

Projects ~~of less than up to and including~~ twenty thousand dollars (\$20,000) may be approved by the director.

Projects of ~~over~~ twenty thousand dollars (\$20,000) ~~or more~~ shall be presented to the Board for approval. (7-1-99)

01. Minor Cost Increases. Cost increases of fifteen percent (15%) or less of the original grant amount may be approved by the director., ~~except such increases that bring the initial project cost from less than twenty thousand dollars (\$20,000) to twenty thousand dollars (\$20,000) or more shall be presented to the board for approval.~~ (7-1-99)

02. Major Cost Increases. Cost increases of more than fifteen percent (15%) of the original grant amount shall require the project be presented as a totally new proposal and compete through the general application process described herein. Should the revised project not receive approval for cost increase grant funding, the ~~applicant~~ grantee shall be required to complete the scope of the project as originally proposed at its expense or return any project grant funds paid to it so that the project may be canceled and the grant funds reallocated. (7-1-99)

03. Waterways Improvement Fund Grant Limit. The total sum of ~~Waterways Improvement Fund~~ WIF grant funds approved to be used in any one (1) county may not exceed thirty percent (30%) of the total WIF grant funds approved to be used statewide in any state fiscal year. (7-1-99)

201. -- 249. (RESERVED).

250. DISBURSEMENT OF FUNDS.

01. Allowable Costs. Applicable Office of Management and Budget (OMB) cost principles, program regulations, and the terms of grant agreements shall be followed in determining the reasonableness and allowability of costs. (7-1-99)

02. Documentation And System of Internal Controls. The ~~applicant~~ grantee shall maintain a system of internal controls in order to identify the source and disbursement of funds provided for all project costs and match by grant or project. Accounting records shall be supported by source documentation such as vouchers, canceled checks, invoices, payroll, time and attendance records, contract and sub-grant award documents, and other required billing forms. (7-1-99)

03. ~~Documentation For Match.~~ Match is the donation of cash, product or service used to complete the grant project as approved. The following types of match may be used: (7-1-99)

a. Force account labor and equipment, i.e., the use of the grantee's staff (labor) and equipment costs. Documentation of force account shall include: the name of each worker, dates worked, hourly rate of pay, number of hours worked, and the total cost by each person. Documentation of equipment costs shall include the type of equipment used, dates used, hourly rate value, number of hours used, how the hourly rate was determined, and total cost. (7-1-99)

b. Donated material that is used as match shall be reasonable and cannot exceed the costs of the materials to the donor or the market price at the time they are charged to the project, whichever is less. A detailed invoice marked "donation" or a letter from the donor shall be used as documentation of donated material. (7-1-99)

c. Donated Contract Labor. When an employer, other than the grantee, furnishes the services of an employee, these services are valued at the employee's regular rate of pay (not including fringe benefits and overhead costs). These services shall be for the same skill for which the employees is normally paid. Documentation shall include the employee's name, dates worked, hourly rate, number of hours worked, and total cost. (7-1-99)

d. Rates for Volunteers. Skilled and unskilled shall be consistent with the rate regularly paid by the grantee for similar work or shall be consistent with those paid for similar work in the grantee's labor market. If the volunteer is professionally skilled and employed in the work he is performing on the project, the grantee may use the individual's normal wage rate. If the volunteer is unskilled and not professionally employed in the work he is performing the grantee shall value the donated labor at the national minimum wage rate. Documentation shall include the volunteer's name, date worked, hourly rate, number of hours worked, and total cost. (7-1-99)

04. Disbursement Of Funds. Except as provided in Subsection 250.05 herein, the Department shall authorize disbursement of funds allocated to a project on a reimbursement basis. This means that the ~~applicant~~ grantee shall initially pay all project costs and then seek reimbursement through the Department. (7-1-99)

a. General. Grantees shall use only the forms specified in this section, and such supplementary or other forms as may from time to time be authorized by the Department. (7-1-99)

b. Request for Reimbursement. The grantee shall complete an Idaho Department of Parks & Recreation (IDPR), Request for Reimbursement/Close-out Report form. Sign certifying that the data is correct and submit ~~to the form to the applicable recreation program State and Federal grant program with an original signature.~~ (7-1-99)

~~**c.** Request for Advance. Complete and sign the IDPR Request for Advance form and submit with written justification identifying the need for an advance to the applicable recreation program manager. (7-1-99)~~

~~**d.c.**~~ **d.** Extend the Due Date. The Department may extend the due date of any financial report upon receiving a justified request from a grantee. (7-1-99)

~~**e.d.**~~ **d.** Accounting Basis. Each grantee shall report program outlays and program income on a cash or accrual basis pursuant to Generally Accepted Accounting Principles. (7-1-99)

05. Cash Advances. When approved for an advance grantees ~~and subgrantees~~ shall be paid in advance no sooner than thirty (30) days prior to project start, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds and their disbursement by the grantee ~~or subgrantee~~. (7-1-99)

a. Requesting an Advance. A disbursement of funds may be made on an advance basis by submitting an IDPR Request for Advancement form provided by ~~IDPR~~ the Department. Written justification for an advance is required unless there is a Memorandum of Understanding or Collection Agreement on file. (7-1-99)

b. Interest Earned on Advances. Grantees and subgrantees shall promptly, at grant close-out, remit interest earned on advances to the Department. (7-1-99)

06. Block Grants Reporting. Each ~~applicant~~ grantee receiving ~~Recreational Program block~~ grant funds that require reporting shall remit a complete activities report to the ~~boating law administrator~~ Department no later than January 31 of each year which shall cover the preceding calendar year and shall be on forms provided by the Department. Failure to report or poor performance indicated by the report may disqualify grantee from future grant application. (7-1-99)

07. Grant Closeouts. Within forty-five (45) days after the completion of the project grant, the grantee shall submit an IDPR Request for Reimbursement/Close-out form ~~and other required documentation~~ and immediately refund to the Department any balance of unobligated cash advanced and interest earned. ~~that is not authorized to be retained for use on other grants.~~ (7-1-99)

08. Record Retention. The grantee ~~applicant~~ shall retain all financial information referenced in these rules regarding a project for a time period of three (3) years from the date of the final grant payment, unless any litigation or audit concerning the project has been started or announced. (7-1-99)

09. Audit Authority. The Department shall have the right of access to any pertinent books, documents, papers, or other records of grantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts. An audit of the award may result in the disallowance of costs incurred by the recipient and the establishment of a debt (account receivable) due the Department. (7-1-99)

10. Contingency Fund. The Department may retain grant funds from each recreational program grant account for the exclusive purpose of providing facilities or services. (7-1-99)

251. -- 299. (RESERVED).

300. APPLICANT OBLIGATIONS.

01. Project Completion. Except as herein provided, upon approval of a grant application ~~or Memorandum of Understanding~~, the applicant grantee shall be obligated to complete all elements of a project as described on the approved ~~recreational program~~ grant application, grant agreement, or approved amendment, ~~or Memorandum of Understanding~~. (7-1-99)

02. Project Management. Except as herein provided, upon approval of a grant application ~~or Memorandum of Understanding~~, the applicant grantee shall ensure adequate management of the project as specified in the approved ~~recreational program~~ grant application; or grant agreement ~~or Memorandum of Understanding~~. (7-1-99)

03. Grant Modification. Only for good cause, and upon the submission of detailed justification shown in writing and approval by the ~~appropriate recreational program~~ State and Federal Grant Manager may the terms of the and obligations of the ~~recreational program~~ grant application; or grant agreement ~~or Memorandum of Understanding~~ be modified. (7-1-99)

04. Maintenance And Operation. Real property, physical facilities and equipment funded by a ~~recreational program~~ grant fund shall be maintained and operated in the condition or state equivalent to that existing when such facility was completed or property or equipment purchased, normal wear and tear excepted. (7-1-99)

05. Public Use/Nondiscrimination. Physical facilities and real property purchased in whole or in part with ~~recreational program~~ grant moneys shall be available for public use regardless of race, color, religion, national origin, gender, age, or disability. Facilities constructed with ~~recreational program~~ grant moneys shall meet the requirements as set by the Americans with Disabilities Act Guidelines. (7-1-99)

06. Fees And Donations. Except as herein provided, fees may be charged or donations subscribed for the use of or access to facilities or real property developed or purchased with ~~recreational program~~ grant funds at a level commensurate with the costs of maintenance and upkeep of the facility or real property with the approval of the Board. Fees may be charged or donations subscribed for special events of limited duration at the facility when approved by the ~~appropriate recreational program manager~~ Department. (7-1-99)

07. Acknowledgment Of Funding Assistance. Applicants shall post and maintain appropriate permanent signs or decals upon project sites or equipment acknowledging funding assistance from the appropriate ~~recreational program~~ grant fund and the Department upon start of the project or purchase of equipment. ~~immediately upon completion of the project or purchase of equipment~~. (7-1-99)

08. Notice Of Registration Requirements. Off-Road Motor Vehicle Account project applicants and sponsors shall be responsible for posting a written notice of the requirement of applicable registration requirements and enforcing such requirements for special events as well as general use. (7-1-99)

09. Project Liability. Grantees Applicants, through a signed agreement, shall assume all project liability and hold the Department harmless. (7-1-99)

10. Purchase And Bidding Requirements. The grantee applicant shall follow all local, state and federal laws pertaining to the expenditure of ~~recreational program grant~~ public funds. (7-1-99)

11. Permits. The grantee applicant shall legally acquire all required local, state and federal permits for the construction or development of the project before ~~recreational program~~ grant funds shall be expended. Construction shall comply with the then current codes and standards as set by the Uniform Building Code, Uniform

Plumbing Code, and the National Electrical Code.

(7-1-99)

12. Failure To Comply. Failure by the ~~grantee applicant or Department~~ to comply with such terms and obligations as set forth in the approved ~~recreation program grant application; or grant agreement or Memorandum of Understanding~~ shall result in the immediate revocation of an approved grant or shall constitute a conversion pursuant to Section 350 of this chapter, as applicable.

(7-1-99)

301. -- 349. (RESERVED).

350. PROJECT CONVERSIONS.

No ~~project funded by recreational program grant funds~~ grant funded project shall, without the prior written approval of the ~~director~~ Board, be converted to uses other than for the authorized purposes specified in the original ~~recreational program grant application; or grant agreement; or Memorandum of Understanding.~~

(7-1-99)

01. Approval Of A Conversion. The ~~Department Board~~ shall approve a conversion only when the ~~recreational program grant moneys spent on the project can be returned to the appropriate recreational program grant fund account or the applicant grantee can provide an immediate substitution of other projects of at least equal current fair market value and of reasonably equivalent recreational usefulness and location. The director has authority to disapprove a conversion request or to reject proposed project substitutions.~~

(7-1-99)

02. Resolving A Conversion. If there is a project conversion, the ~~applicant grantee~~ is responsible for repaying the appropriate ~~recreational program grant fund account~~ an amount determined by investment amortization through use, project life expectancy, and depreciation or appreciation of the facilities or equipment.

(7-1-99)

03. Conversion Requests. Project conversion requests shall be in writing by the ~~applicant grantee~~ prior to any conversion attempts.

(7-1-99)

351. -- 399. (RESERVED).

400. RESPONSIBILITY FOR EQUIPMENT.

~~**01. Totally Grant Funded.** Single units of equipment with a current fair market value of one thousand dollars (\$1,000) or more as determined by the Department, which are purchased wholly with recreational program grant funds, shall remain the property of the Department to be leased to the applicant through a lease contract. If the equipment is being underutilized, misused, or used for purposes other than the original grant purposes it may be reclaimed by the Department at the expiration or cancellation of the lease or with thirty (30) days written notice.~~

(7-1-99)

~~**a.** Equipment which is the property of the Department shall be leased to the project applicant for the length of time determined by the appropriate recreational program manager as necessary to accomplish the project under the parameters of project viability, equipment usability and user needs. Either party may cancel the lease by providing the other party with at least thirty (30) days written notice.~~

(7-1-99)

~~**b.** Equipment lease price or consideration shall be negotiated and determined prior to project approval and shall be commensurate with the cost/benefit ratio of services provided the recreational program user group which it serves.~~

(7-1-99)

~~**c.** A project applicant shall bear the full responsibility for damage to or destruction of project facilities and equipment through its own means or applicable insurance.~~

(7-1-99)

~~**02 01. Partially Grant Funded.** Single units of equipment with a current fair market value of one thousand dollars (\$1,000) or more as determined by the Department, which are purchased only partially (less than one hundred percent (100%)) with recreational program grant funds, shall become the property of the applicant. Such units of equipment shall be subject to Section 350 of this chapter.~~

(7-1-99)

~~0302. Minor Purchases. Single units of equipment with a current fair market value of less than one thousand dollars (\$1,000) as determined by the Department, which are purchased wholly or in part with recreational program grant funds shall become the property of the applicant. Such units or equipment shall be subject to Section 350 of this chapter. (7-1-99)~~

Motorized equipment purchased with grant funds shall become property of the grantee. Such units of motorized equipment shall be subject to sections 250.06 and 350 of this chapter.

4001. -- 449. (RESERVED).

450. REAL PROPERTY.

01. Appraisals. A real estate appraisal is required for all real property to be acquired with ~~recreational program~~ grant funds. All appraisals shall be prepared according to Department procedures. The appraisal shall be paid for by the grantee applicant, but may be included as part of eligible project costs. The selection of the appraiser shall be approved by the Department. (7-1-99)

02. Appraisal Review. The Department shall review appraisals as necessary. Any appraisal report which does not meet content requirements or use correct analysis procedures shall be corrected to the satisfaction of the Department. All costs shall be covered by the grantee applicant. (7-1-99)

03. Negotiated Price. An approved appraisal is an acceptable estimate of property value. The negotiation between a willing seller and a willing buyer may set a price which is higher than the appraisal, and this value can be considered along with the appraised value in establishing the reasonable limits of assistance. If the grantee applicant believes the negotiating price is a better indication of market value, yet is higher than the appraised value, a detailed statement of this difference shall be submitted to the Department. (7-1-99)

04. Adequate Title And Public Access. The grantee applicant shall have clear title to, or adequate control and tenure of, the real property (land, land improvement, structures, and appurtenances) to be developed. The term "adequate control and tenure" of real property means a lease or an easement that provides the grantee applicant sufficient control over the real property to permit the proposed development and use for a period of at least twenty-five (25) years from the date of application, unless specifically approved in writing by the Department ~~appropriate recreational program manager~~ for ~~for~~ a shorter term. The grantee applicant shall list all outstanding rights or interests held by others in the real property to be developed. If access to the real property to be developed is over private property, then the grantee applicant shall describe the provisions made to ensure adequate public access. In the event the real property becomes unusable for its intended purposes or if such use ceases, the grantee applicant shall be responsible for conversion of the project as described in Section 350 of this chapter. (7-1-99)

05. Limitations On Use. Property rights obtained with ~~recreational program~~ grant funds shall be free of all reservations or encumbrances which would limit the use of the site disproportionate to the public benefit. (7-1-99)

451. -- 999. (RESERVED).